

FILED 10 MAY 18 13 56 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

JESSE FLOYD EARLS,

08-CV-760-ST

Petitioner,

ORDER

v.

BRIAN BELLEQUE,  
Superintendent Oregon State  
Penitentiary, and OREGON BOARD  
OF PAROLE and POST-PRISON  
SUPERVISION,

Respondents.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#45) on March 4, 2010, in which she recommends the Court deny the Petition for Writ of Habeas Corpus (#2) and dismiss this matter with prejudice. Petitioner Jess Floyd Earls

filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In his Objections, Petitioner reiterates the arguments in his Brief on the Merits in Support of Petition for Writ of Habeas Corpus and his Reply Memorandum. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

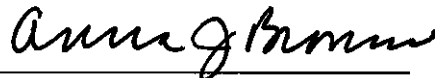
#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#45) and, therefore, **DENIES** the Petition for Writ

of Habeas Corpus (#2) and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 18<sup>th</sup> day of May, 2010.

A handwritten signature in cursive script, reading "Anna J. Brown".

ANNA J. BROWN  
United States District Judge